

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PRIMERICA LIFE INSURANCE  
COMPANY,

Plaintiff,

v.

MARIA ISABEL MANCILLA  
CISNEROS,

Defendant.

Case No. 1:24-cv-00196-KES-CDB

**SCHEDULING ORDER** (Fed. R. Civ. P. 16)

Discovery Deadlines:

- Rule 26 Disclosures: July 25, 2024
- Amended Pleadings: October 31, 2024
- Expert Disclosures: January 8, 2025
- Rebuttal Expert Disclosures: February 5, 2025
- Fact Discovery Cut-Off: December 23, 2024
- Expert Discovery Cut-Off: March 7, 2025
- Mid-Discovery Status Conference: November 13, 2024, at 9:30 a.m., in Bakersfield Federal Courthouse 510 19th Street, Bakersfield, CA 93301

Non-Dispositive Motion Deadlines:

- Filing: March 21, 2025
- Hearing: April 25, 2025, at 10:30 a.m., Bakersfield Federal Courthouse

Dispositive Motion Deadlines:

- Filing: May 23, 2025
- Hearing: July 7, 2025  
1:30 p.m., in Robert E. Coyle Federal Courthouse, Fresno, Courtroom 6, 7th floor

Pre-Trial Conference: November 4, 2025, at 1:30 p.m., in Fresno Federal Courthouse

Trial: January 6, 2026, at 9:00 a.m., before District Judge Kirk E. Sherriff

1 Plaintiff Primerica Life Insurance Company (“Plaintiff”) initiated this action with the filing  
2 of a complaint for declaratory judgment against Defendant Maria Isabel Mancilla Cisneros  
3 (“Defendant”) on February 13, 2024. (Doc. 1). The parties convened via Zoom videoconference  
4 for a scheduling conference before Magistrate Judge Christopher D. Baker on June 25, 2024.  
5 Attorney Ophir Johna appeared on behalf of Plaintiff and Defendant appeared pro per.

6 **I. Magistrate Judge Consent:**

7 Currently the parties do not jointly consent to Magistrate Judge jurisdiction.

8 **Notice of Congested Docket and Court Policy of Trailing**

9 Due to the District Judges’ heavy caseload, the adopted policy of the Fresno Division of the  
10 Eastern District is to trail all civil cases. The parties are hereby notified that for a trial date set before a  
11 District Judge, the parties will trail indefinitely behind any higher priority criminal or older civil case  
12 set on the same date until a courtroom becomes available. The trial date will not be reset.

13 The Magistrate Judges’ availability is far more realistic and accommodating to parties than that  
14 of the District Judges who carry the heaviest caseloads in the nation and who must prioritize criminal  
15 and older civil cases over more recently filed civil cases. A Magistrate Judge may conduct trials,  
16 including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73,  
17 and Local Rule 305. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the  
18 United States Court of Appeal for the Ninth Circuit.

19 Therefore, the parties are directed to consider consenting to Magistrate Judge jurisdiction to  
20 conduct all further proceedings, including trial, and to file a consent/decline form (provided by the  
21 Court at the inception of this case) indicating whether they will consent to the jurisdiction of the  
22 Magistrate Judge.

23 **II. Pleading Amendment**

24 Any motions to amend the pleadings, including to substitute “Doe” defendants, must be filed by  
25 **October 31, 2024**. Filing a motion and/or stipulation requesting leave to amend the pleadings does not  
26 reflect on the propriety of the amendment or imply good cause to modify the existing schedule, if  
27 necessary. All proposed amendments must (A) be supported by good cause pursuant to Fed. R. Civ. P.  
28 16(b) if the amendment requires any modification to the existing schedule, *see Johnson v. Mammoth*

1 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992), and (B) establish, under Fed. R. Civ. P. 15(a), that  
2 such an amendment is not (1) prejudicial to the opposing party, (2) the product of undue delay, (3)  
3 proposed in bad faith, or (4) futile, *see Foman v. Davis*, 371 U.S. 178, 182 (1962).

4 **III. Discovery Plan and Cut-Off Date**

5 The parties shall exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1) by no later  
6 than **July 25, 2024**.

7 The parties are ordered to complete all discovery pertaining to non-experts on or before  
8 **December 23, 2024**, and all discovery pertaining to experts on or before **March 7, 2025**.

9 The parties are directed to disclose all expert witnesses<sup>1</sup>, in writing, on or before **January 8,**  
10 **2025**, and to disclose all rebuttal experts on or before **February 5, 2025**. The written designation of  
11 retained and non-retained experts shall be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and  
12 (C) and shall include all information required thereunder. Failure to designate experts in compliance  
13 with this order may result in the Court excluding the testimony or other evidence offered through such  
14 experts that are not disclosed pursuant to this order.

15 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts  
16 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions  
17 included in the designation. Failure to comply will result in the imposition of sanctions, which may  
18 include striking the expert designation and preclusion of expert testimony.

19 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement  
20 disclosures and responses to discovery requests will be strictly enforced.

21 A mid-discovery status conference is scheduled for **November 13, 2024**, at 9:30 a.m. before  
22 Judge Baker. Counsel SHALL file a joint mid-discovery status conference report no later than one  
23 week before the conference. Counsel also SHALL lodge the joint status report via e-mail to  
24 CDBorders@caed.uscourts.gov. The joint status report SHALL outline the discovery counsel have  
25 completed and that which needs to be completed as well as any impediments to completing discovery  
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27 <sup>1</sup> In the event an expert will offer opinions related to an independent medical or mental health  
28 evaluation, the examination SHALL occur sufficiently in advance of the disclosure deadline so the  
expert's report fully details the expert's opinions in this regard.

1 within the deadlines set forth in this order. Counsel SHALL discuss settlement and certify in the joint  
2 status report (1) that they have met/conferred regarding settlement, and (2) proposed dates for  
3 convening a settlement conference before a U.S. Magistrate Judge if the parties jointly believe a  
4 settlement conference would be fruitful.

5 **IV. Pre-Trial Motion Schedule**

6 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later  
7 than **March 21, 2025**<sup>2</sup> and heard on or before **April 25, 2025**, at 10:30 a.m. Discovery motions shall  
8 be set before Judge Baker. For these hearings and at the direction of the Courtroom Deputy Clerk, the  
9 Court may direct counsel to appear remotely (via Zoom). For hearings noticed to occur in-person, the  
10 Court may permit counsel to appear remotely (via Zoom) provided the Courtroom Deputy Clerk  
11 receives a written notice of the request to appear remotely no later than five court days before the  
12 noticed hearing date.

13 No motion to amend or stipulation to amend the case schedule will be entertained unless it is  
14 filed at least one week before the first deadline the parties wish to extend. Likewise, no written  
15 discovery motions shall be filed without the prior approval Judge Baker. A party with a discovery  
16 dispute must first confer with the opposing party in a good faith effort to resolve by agreement the  
17 issues in dispute. If that good faith effort is unsuccessful, the moving party promptly shall seek a  
18 hearing with all involved parties and Judge Baker. To schedule this hearing, the parties are ordered to  
19 contact the Courtroom Deputy Clerk, Susan Hall, at (661) 326-6620 or via email at  
20 SHall@caed.uscourts.gov. At least three days before the conference, counsel SHALL file informal  
21 letter briefs detailing their positions. The briefs may not exceed 7 pages, excluding exhibits. Counsel  
22 must comply with Local Rule 251 with respect to discovery disputes or the motion will be denied  
23 without prejudice and dropped from the Court's calendar.

24 All dispositive pre-trial motions shall be filed no later than **May 23, 2025**, and heard no later  
25 than **July 7, 2025**, before Judge Sherriff at 1:30 p.m. In scheduling such motions, counsel shall comply  
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28 <sup>2</sup> Non-dispositive motions related to non-expert discovery SHALL be filed within a reasonable  
time of discovery of the dispute, but in no event later than 30 days after the expiration of the non-  
expert discovery deadline.

1 with Fed. R. Civ. P. 56 and Local Rules 230 and 260.

2 **V. Motions for Summary Judgment or Summary Adjudication**

3 At least 21 days before filing a motion for summary judgment or motion for summary  
4 adjudication, the parties are ORDERED to meet, in person or by telephone, to confer about the issues to  
5 be raised in the motion.

6 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a  
7 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole  
8 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the  
9 issues for review by the court; 5) explore the possibility of settlement before the parties incur the  
10 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

11 The moving party SHALL initiate the meeting and SHALL provide a complete, proposed  
12 statement of undisputed facts at least five days before the conference. The finalized joint statement of  
13 undisputed facts SHALL include all facts that the parties agree, for purposes of the motion, may be  
14 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint  
15 statement of undisputed facts.

16 In the notice of motion, the moving party SHALL certify that the parties have met and  
17 conferred as ordered above or set forth a statement of good cause for the failure to meet and confer.  
18 Failure to comply may result in the motion being stricken.

19 **VI. Pre-Trial Conference Date**

20 **November 4, 2025**, at 1:30 p.m. before Judge Sherriff. The parties are ordered to file a Joint  
21 Pretrial Statement at least 14 days in advance pursuant to Local Rule 281(a)(2). The parties are further  
22 directed to submit a digital copy of their pretrial statement in Word format, to Judge Sherriff's  
23 chambers.

24 Counsels' attention is directed to Rules 281 and 282 of the Local Rules of Practice for the  
25 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.  
26 The Court will insist upon strict compliance with those rules.

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1 **VII. Trial Date**

2 **January 6, 2026**, at 9:00 a.m. in Courtroom 6 before the Honorable Kirk E. Sherriff.

3 A. This is a non-jury trial.

4 B. Counsels' Estimate of Trial Time: 1 day.

5 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of  
6 California, Rule 285.

7 **VIII. Request for Bifurcation, Appointment of Special Master, or other**  
8 **Techniques to Shorten Trial**

9 Not applicable at this time.

10 **IX. Related Matters Pending**

11 There are no pending related matters.

12 **X. Compliance with Federal Procedure**

13 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure  
14 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any  
15 amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently  
16 handle its increasing case load and sanctions will be imposed for failure to follow both the Federal  
17 Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

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**XI. Effect of this Order**

The foregoing order represents the best estimate of the court and counsel as to the agenda most suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by subsequent status conference.

**The dates set in this Order are considered to be firm and will not be modified absent a showing of good cause even if the request to modify is made by stipulation. Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the relief requested.**

IT IS SO ORDERED.

Dated: **June 25, 2024**

  
UNITED STATES MAGISTRATE JUDGE